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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COLLECTOR AND DISTRICT MAGISTRATE,
KURNOOL.**

Sri K. AMARNATH TAGORE, THE THEN JUNIOR ASSISTANT, O/o DIVISIONAL COOPERATIVE OFFICER, ADONI UNAUTHORIZED ABSENCE FOR DUTY FROM 07-01-2008 TO 01-11-2010 AND FROM 17-01-2011 TO 17-06-2014 - SHOW CAUSE NOTICE ISSUED - EXPLANATION CALLED FOR.

- Ref:
1. Letter Rc.No.423/2004-A, dated: 31.01.2009 of the Divisional Cooperative Officer (FAC), Adoni.
 2. Proceedings Rc.No.2170/2008-E, dated: 21.03.2009 of the Joint Registrar/District Cooperative Officer, Kurnool.
 3. Progs.Rc.No.2170/2008-E, dated:05.08.2010 of the Joint Registrar/ District Cooperative Officer, Kurnool.
 4. Inquiry Report Rc.No.1/Amar, dated:14.09.2010 of the Divisional Cooperative Officer, Adoni / Inquiry Officer.
 5. Progs.Rc.No.2170/2008-E, dated: 07.12.2010 of the Joint Registrar/ District Cooperative Officer, Kurnool.
 6. Inquiry Report Rc.No.1/Amar, dated:20.01.2011 of the Divisional Cooperative Officer, Adoni / Inquiry Officer.
 7. Progs Rc.No. 1095/2011-E, dated:31.12.2015 of the District Cooperative Officer, Kurnool.

8. Progs Rc.No.1095/2011-E, dated: 11.04.2016 of the District Cooperative Officer, Kurnool.
9. Letter Rc.No.1/Amar/2015, dated:10.03.2017 of the Divisional Cooperative Officer, Adoni along with Inquiry Report.
10. Rc.No.501-A/2018-E, dated:18.07.2018 of the Divisional Cooperative Officer, Adoni.

Rc.No.1095/2011-E,- The immediate attention of Sri. K. Amarnath Tagore, Junior Assistant , Office of the Divisional Cooperative Officer, Adoni is drawn to the captioned subject and references cited.

The individual has been charged for Two counts for unauthorized absent to duty for the following periods.

1. From 07.01.2008 to 01.11.2010 - 1st spell
2. From 17.01.2011 to 17.06.2014 (except on 27.01.2011 & 28.01.2011) - 2nd spell

In the reference 1st cited, the Divisional Cooperative Officer, Adoni has reported that, Sri. K. Amarnath Tagore, Junior Assistant had absconded from duty from 07.01.2008, and absent himself from the duty will fully without any grant of leave, and failed to rejoin duty even after issue of notices to the individual and submitted proposals to take disciplinary action against the individual under APCS (CC & A) Rules 1991.

Accordingly, in the Proceedings 2nd cited, disciplinary action is initiated and charges have been framed against Sri. K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni Kurnool District under rule 20 of APCS (CC & A) Rules 1991. The Articles of charges framed and imputation thereon are as follows.

ARTICLE OF CHARGE:

That the said Sri. K. Amaranath Tagore, Junior Assistant, "B" Section Office of the Divisional Cooperative Officer, Adoni has absconded from duty from 07-01-2008 to till to date. Absent himself from the duty willfully without any grant of leave by the Divisional Cooperative Officer, Adoni. Absence without leave also misconduct on the part of the employee.

BASIS OF CHARGES:

A show cause notice has been issued to Sri. K. Amarnath Tagore, Junior Assistant, "B" Section Office of the Divisional Cooperative Officer, Adoni Vide Rc. No. 423/2004-A, Dated 08-02-2008 by the Divisional Cooperative Officer, Adoni with direction to submit his explanation within 3 days to the Divisional Cooperative Officer,

Adoni for his unauthorized absence for duty from 07-01-2008 to 09-01-2008 and sending of Casual Leave application for sanction of Casual Leave from 10-01-2008 to 11-01-2008 i.e., 2 days without prior permission and unauthorized absence for duty from 12-01-2008 to 20-01-2008 further sending of Telegram for sanction of Earned Leave from 20-01-2008 to 25-01-2008 and again sending another Telegram for extension of Earned Leave up to 02-02-2008 and without prior permission of Divisional Cooperative Officer, Adoni. A copy of the Show Cause Notice was sent to the individual by special messenger by name Sri M. Mahamood Office Subordinate, office of the Divisional Cooperative Officer, Adoni for serving to the individual. But Sri. K. Amaranath Tagore, Junior Assistant, office of the Divisional Cooperative Officer, Adoni was not there in the house in which he lives at postal colony, Adoni and the door was locked. Hence the Show Cause Notice was affixed to the last known address of Sri. K. Amaranath Tagore, Junior Assistant where he resides at i.e., postal colony, Adoni and taken two witnesses of Sri. G. Ramakrishna retail shop owner in the postal colony, Adoni. K. Chintalaiah, Police constable who is neighbour of Sri. K. Amaranath Tagore, Junior Assistant office of the Divisional Cooperative Officer, Adoni. It is pertinent to note that Sri. K. Amaranath Tagore, Junior Assistant has neither submitted any explanation to the Show Cause notice nor reported for duty. This shows that the gross negligence and lethargic attitude of the individual. Hence his request for sanction of Casual Leave for 2 days (i.e., 10-01-2008 to 11-01-2008) without prior permission and request for sanction of Earned Leave not considered and the entire period was treated as absent period.

Further another Show Cause Notice was also issued to the individual by the Divisional Cooperative Officer, Adoni vide Rc. No. 423104-A, dated 12-03-2008 with a direction to Show Cause for his lapses as to why the charges should not be framed against him why the disciplinary action should not be initiated against him, as per C.C. & A Rules. This show cause notice was sent to the individual by registered post to the permanent address of Sri. K. Amaranath Tagore, Junior Assistant i.e., H.No. 10/1210, Sadiq Nagar, Noonapally, Nandyal. But the said Sri. K. Amaranath Tagore, Junior Assistant has not turned up even though two show cause notices were issued by the office. He is continued under unauthorized absence and not submitted any explanation to the Divisional Cooperative Officer, Adoni, even till to day.

In this circumstances stated above the Divisional Cooperative Officer, Adoni has informed to the Joint Registrar/District Cooperative Officer, Kurnool under copy to the individual vide letter Rc. No. 42/04-A,

Dated 11-04-2008 stating that in the absence of Junior Assistant to "B" Section i.e., Legal section it is very much difficult to take prompt action on important files and court matters. In view of above explained reasons the Divisional Cooperative Officer, Adoni has surrendered the services of Sri. K. Amaranath Tagore, Junior Assistant "B" Section office of the Divisional Cooperative Officer, Adoni to the Joint Registrar/District Cooperative Officer, Kurnool has instructed the Divisional Cooperative Officer, Adoni to take disciplinary action against Sri. K. Amaranath Tagore, Junior Assistant as per C.C. & A. Rules and report compliance vide Memo Rc. No. 2170/08- E, Dated 05-05-2008.

However according to Natural justice he was given another opportunity by the Divisional Cooperative Officer, Adoni again issued final show cause notice to Sri. K. Amaranath Tagore, Junior Assistant vide Rc. No. 423/2004-A, dated 12-12-2008 with a direction to submit his explanation within 3 days to the Divisional Cooperative Officer, Adoni. This final show cause notice was sent through registered post with Acknowledgement due to the permanent address of Sri. K. Amaranath Tagore, Junior Assistant i.e., H.No. 10/1210, Sadiq Nagar, Noonepalli, Nandyal. The same was returned to the office with an endorsement by the postal authorities that "addressee left without information". "Hence returned to sender". This is clear evidence that he is knowingly and intentionally evading receipt of the notices.

Thus he absconded from duty from 07-01-2008 to till to date for continuous period exceeds more than one year. Thus he failed to discharge his legitimate duties, his carelessness irregular and lethargic attitude attracts disciplinary action under C.C. & A. Rules 1991.

The above charges were served on the individual and the Charged officer had submitted his explanation dated:27.05.2009. As the explanation submitted by the charged officer was not convincing, in the Proceedings 3rd cited above, the Divisional Cooperative Officer, Adoni had been appointed as Enquiry Officer to enquire into the charges framed. The Assistant Registrar/Sub Divisional Cooperative Officer, Adoni had been appointed as Presenting Officer to present the case on behalf of the Disciplinary Authority.

The Divisional Cooperative Officer, Adoni /Enquiry Officer furnished his enquiry report vide reference 4th cited, wherein Enquiry Officer had concluded the enquiry on exparte and held the charges against the charged officer as proved. As seen from the enquiry report, the charged officer had not appeared for enquiry on 01.09.2010 i.e., the date fixed for his appearance. It had been stated by the Enquiry Officer that he had personally gone to the last known residential address of the charged officer to probe the matter. But it was brought to his notice that the charged officer was not residing in that place and left

the same couple of years back. It was stated by the Divisional Cooperative Officer, Adoni that the individual who had been absconding from duty from 07.01.2008, reported for duty on the FN of 02.11.2010 and the individual was admitted without prejudice to the disciplinary action being pursued by the Authority. The Enquiry Officer was again directed vide Proceedings 5th cited to conduct enquiry on the charges framed against the individual duly serving notice on the individual to enable him to submit his version before the Enquiry Officer.

The Divisional Cooperative Officer, Adoni/Enquiry Officer had issued a show cause notice to the Charged Officer directing him to appear before the Enquiry Officer on 20.01.2011. The said notice was personally served on the individual on 10.01.2011 and the charged officer officer endorsed having received the said notice. The Enquiry Officer has concluded the Enquiry on exparte due to non appearance of the charged officer to the hearing on 20.01.2011 even though the charged officer had been served with the notice on 10.01.2011 personally, and held the charges framed against the charged officer as proved beyond reasonable doubt that the charged officer has absented unauthorizedly for the period from 07.01.2008 to 01.11.2010 vide reference 6th cited.

For the second spell of unauthorized absence for the period from 17.01.2011 to 17.06.2014 (except on 27.01.2011 & 28.01.2011), the individual was issued with charge memo under rule 20 of APCS (CC & A) Rules 1991 vide Proceedings 7th cited. The articles of charges and imputations thereon are as follows.

ARTICLE OF CHARGE:

That the said Sri K.Amarnath Tagore, Junior Assistant, O/o Sub Divisional Cooperative Officer, Alur while working in the O/o the Divisional Cooperative Officer, Adoni had willfully absented from duty from 29.1.2011 to 17.06.2014 (i.e., upto rejoining to duty on 18.06.2014). Every Government Employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and sense of propriety. Thus he violated Rule 3(1) of APCS (Conduct) Rules, 1964.

BASIS OF CHARGES:

That Sri K.Amarnath Tagore while working as Junior Assistant, O/o Divisional Cooperative Officer, Adoni had been absconded from duty from 17.01.2011 to 26.01.2011. He had reported to duty on 27.01.2011. Again he had sent a telegram requesting for sanction of C.L. on 29.01.2011 and his request was rejected by the Divisional Cooperative Officer, Adoni. Further, he had sent a telegram on 31.01.2011 asking for sanction of C.L. for one day on 01.02.2011. He issued another telegram to the Divisional Cooperative

Officer, Adoni requesting to sanction Earned Leave for two days and his requests to all the above telegrams were rejected by the Divisional Cooperative Officer, Adoni vide Memo.Rc.No. 106/2011-E, dated: 02.02.2011 and he had been informed of rejection of his leave from 29.01.2011 to 02.02.2011 and he was called on to explain as to why Disciplinary Action should not be initiated against him and he was directed to appear before the Divisional Cooperative Officer, Adoni immediately and to submit his explanation within 3 days after receipt of the said memo. But he has neither appeared before the Divisional Cooperative Officer, Adoni nor submitted explanation to the Divisional Cooperative Officer, Adoni. Earlier in the Proceedings Rc.No.1095/2011-E, dated:28.03.2011 of the Joint Registrar/District Cooperative Officer, Kurnool charges have been framed for his unauthorized absence for duty, for the periods as noted below.

- 1) From 17.01.2011 to 26.01.2011 - (Unauthorized Absence)*
- 2) From 29.01.2011 to 02.02.2011 - Leave rejected (Unauthorized Absence)*
- 3) From 02.02.2011 to till date of issue of Charge Memo i.e., 28.03.2011 - Unauthorized Absence.*

Sri. K. Amarnath Tagore, Junior Assistant had continued his unauthorized absence and absconded for duty from 29.03.2011 to till 17.06.2014.

The individual was permitted to join duty without prejudice to the disciplinary action being taken by the Disciplinary Authority Vide Proceedings Rc.No.2170/2008-E, dated:16.06.2014 of the District Cooperative Officer, Kurnool. He joined to duty on 18.06.2014.

As seen from the above, it is clear that, the irregular attitude of Sri. K. . Amarnath Tagore, Junior Assistant has been continuing. He has been accustomed for unauthorized absence for official duties; Willful and prolonged absence from duty without proper leave is liable for disciplinary action as per Government Memo.No.C-9101-418/FR- 1/1991 Finance and Planning, Department dated: 25.12.1992. Hence, the charges.

The above orders were served on the charged officer on 09.01.2016 and the individual has submitted his written explanation dated:15.03.2016 and requested to drop further action in the matter. As the explanation submitted by the charged officer was not convincing, in the reference 8th cited, the Divisional Cooperative Officer, Adoni had been appointed as Enquiry Officer to enquire into the charges framed against the individual. Smt. Y. Uma Devi, Assistant Registrar, Office of the Divisional Coop. Officer, Adoni had been appointed as presenting officer.

The Enquiry Officer had issued notices to the charged officer to appear for hearings. The charged officer had participated with enquiry on 27.05.2015 and 10.06.2016. In the reference 9th cited, the Enquiry Officer had submitted the enquiry report and stated that the charged officer has attended the enquiry on 10.06.2016 and admitted his unauthorized absence to the duty from 17.01.2011 to 17.06.2014 (except on 27.01.2011 and 28.01.2011) as stated in the charge memo and further the charged officer has requested to regularize the period of his absence for the above said period and also promised that he shall not repeat such lapses in future.

The Collector and District Magistrate, Kurnool/Disciplinary Authority/Appointing Authority reviewed the disciplinary case against Sri. K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni with reference to the articles of charges, findings of the Enquiry Officer and material available on record with the following result :

Sri. K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni had absented himself to duty unauthorizedly and absconded from duty for the following periods.

1. From 07.01.2008 to 01.11.2010 - 1st spell
2. From 17.01.2011 to 17.06.2014 (except on 27.01.2011 & 28.01.2011) - 2nd spell

Sri. K. Amarnath Tagore, Junior Assistant has applied leave from 07.01.2008 to 02.02.2008 through Telegrams and leave applications. And after expiry of the said leave applied (which is not sanctioned) failed to rejoin duty.

As per the District Office Manual, any employee before proceeding on leave, should apply for leave, get it sanctioned, handover charge of the seat holding by him and then only proceed on leave. He failed to do so.

Further, in the letter 10th cited, the Divisional Cooperative Officer, Adoni has reported that, the Charged Officer has again absconded from duty from 04.05.2018 and not turned up to the duties till to date. It is reported that the individual has made his attendance in Biometric on 04.05.2018, 07.05.2018 and on 08.05.2018 before 10.30 AM and left the office without permission/order of any officer concerned and made his attendance on 14.05.2018 at Tahsildar's office Yemmiganur without permission/order of any officer concerned. The individual has been issued with memo's calling for his explanation vide Memo.Rc.No.501A/2018-E, dated: 08.05.2018, 14.05.2018 and 19.05.2018 of the Divisional Cooperative Officer, Adoni. All the memo's were returned by the postal authorities stating that the individual was not in town (residence). A show cause notice has been issued by the Divisional Cooperative Officer, Adoni vide Show Cause Notice Rc.No.501A/2018-E, dated:18.06.2018. The same was returned by the postal

authorities stating that the individual is not in town. The individual has neither given his explanation nor attended to the duty and absented to duty continuously from 04.05.2018.

The Individual is not residing at the address furnished by him to the Department. The Department has lost contact with him as he has not reported his whereabouts not furnished his correct address. As a result, this communication intended to him have to be published in the A.P. Gazette.

Thus, the individual has acted irresponsibly which caused irreparable loss to the functioning in the office of the Divisional Cooperative Officer, Adoni and violated the Rule 3 (1) of the APCS (Conduct) Rules 1964.

In the G.O.Ms.No.260, General Administration Department dated:04.09.2003, the Government have issued orders to the effect that "in all cases of unauthorized absent to duty for a continuous period exceeding "One Year" the penalty of removal from service shall be imposed on the Government Employee, after duly following the procedure laid down in APCs (CC & A) Rules 1991.

Further as per FR 18-A of Fundamental Rules, a Government servant shall be deemed to have resigned from the service if he is absent without authorization for a period exceeding "One Year".

Hence, it is evident that the charged officer Sri. K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni Kurnool District has acted in a manner unbecoming on the part of a responsible Government Servant and he has been accustomed for unauthorized absence for official duties, will full and prolonged absence from duty without proper leave. It is held that the charges are proved and the individual is liable for punishment.

Considering the above facts and rule position, the Collector and District Magistrate, Kurnool/Disciplinary Authority/Appointing Authority provisionally decided to inflict a punishment of removal from Government Service on Sri K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni for the charges held proved and to treat the period of absence as "dies non".

Now, therefore, in the circumstances stated supra, Sri. K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer, Adoni is called on to show cause as to why the proposed punishment "removal from Government Service" shall not be inflicted on him for the charges held proved and to treat the period of unauthorized absence as "dies non". His explanation should reach the undersigned within 15 days from the date of the receipt of this show

cause notice/from the date, this notice is published in the A.P. Gazette. If his explanation is not received within the stipulated time, it will be construed that he has no explanation to offer and further action will be taken based on the material available on record, without any further notice.

The Enquiry Report submitted by the Inquiry Officer's in the reference 6th and 9th cited are herewith enclosed.

Dated : 06-06-2019.

Sd/-.,
For Collector and District Magistrate,
Kurnool.

To,
Sri K. Amarnath Tagore, Junior Assistant, Office of the Divisional Cooperative Officer,
Adoni, H.No. MIG-195, A.P.H.B. Colony, Adoni.

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